

9200

### MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on

July 25, 2002  
Date

By Kay Bulen  
Print Name

Kay Bulen  
Signature

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentees: Joni Kristin Doherty et al.

Patent No. 6,414,130

Issued: July 2, 2002

For: HER-2 BINDING ANTAGONISTS

Examiner: J. Hunt

Art Unit: 1642

Docket No.: 49321-10

Date: July 25, 2002

#  
17  
69  
84602

Box DAC  
Assistant Commissioner for Patents  
Washington, DC 20231

### PETITION TO CORRECT INVENTORSHIP IN PATENT

Sir:

Pursuant to 37 C.F.R. §1.324(a), patentees respectfully petition the Commissioner to issue a certificate naming the actual inventors in the above-referenced patent.

Pursuant to 37 C.F.R. §1.324(b) et seq., patentees attach hereto:

(1) A statement from **John P. Adelman** who is being added as a joint inventor, that the inventorship error occurred without any deceptive intention on his or her part (no persons are being deleted as inventors);

(2) A statement from the current named joint inventors **Joni Kristin Doherty** and **Gail M. Clinton**, who have not submitted a statement under 37 C.F.R. §1.324(b)(1), that they agree to the change of inventorship;

(3) A statement from **OREGON HEALTH & SCIENCE UNIVERSITY**, Portland, Oregon, the sole ASSIGNEE of the parties submitting statements under 37 C.F.R. §§1.324(b)(1) and (2), agreeing to the change of inventorship in the patent, said statement being in compliance with 37 C.F.R. §3.73(b); and

(4) The fee set forth in 37 C.F.R. §1.2(b).

Patentees further attach hereto:

(5) A STATEMENT UNDER 37 C.F.R. §3.73(b) specifying, by reel and frame number, evidence of the chain of title from the original joint inventors Joni Kristin Doherty and Gail M. Clinton to the above-named ASSIGNEE, including a copy of the Recordation;

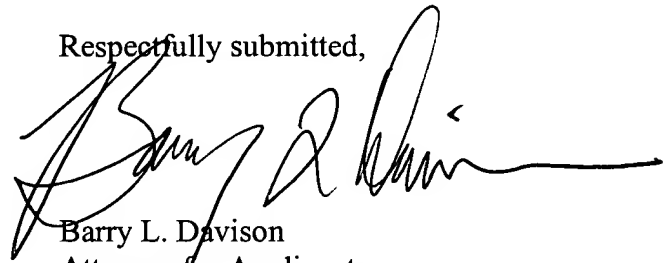
(6) a recorded assignment from John P. Adelman who is being added as a joint inventor under the present PETITION; and

(7) A Declaration and Power of Attorney from John P. Adelman.

Finally, note that a similar Petition was filed on February 18, 2000 in the pending parent application, Serial No. 09/234,208, of which the present application is a divisional. For whatever reason, Applicants' earlier Petition was never acted upon by the Office, necessitating the present Petition. Accordingly, Applicants are not pleased by having to pay the additional expense of the present Petition, and respectfully request that it be waived.

Nonetheless, Petitioners have enclosed a check for \$130.00 to cover the fee. No additional fee is deemed due. However, please charge any additional fees due, or credit any overages to Deposit Account 04-0258 of Davis Wright Tremaine LLP. A copy of this petition is attached.

Respectfully submitted,



Barry L. Davison  
Attorney for Applicants  
Registration No. 47,309

Davis Wright Tremaine LLP  
2600 Century Square  
1501 Fourth Avenue  
Seattle, WA 98101-1688  
Tel: (206) 628-7621  
Fax: (206) 628-7699



STATEMENT OF INVENTORSHIP ERROR  
IN ABSENCE OF DECEPTIVE INTENT  
[37 CFR 1.324(b)(1)]

Title of Invention: **HER-2 BINDING ANTAGONISTS**

Serial No. 09/234,208

Filed on 20 January 1999

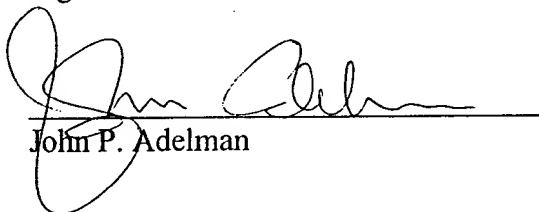
Docket No. 49321-1

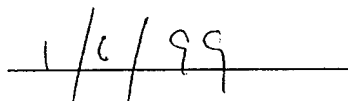
As the below-named joint inventor of the subject matter which is claimed in the patent application identified above, I hereby state in accordance with 37 CFR 1.324(b)(1) that the inventorship error of failing to include **John P. Adelman** as an inventor of the patent application occurred without any deceptive intention on the part of the applicants.

Inventor: John P. Adelman  
Address: 2433 SW Mitchell Street  
Portland, Oregon 97201 USA  
Residence: Portland, Oregon USA  
Citizenship: United States

Signature of Inventor:

Date signed:

  
John P. Adelman





STATEMENT OF CURRENT INVENTORS TO CHANGE INVENTORSHIP  
[37 CFR 1.324(b)(2)]

Title of Invention: **HER-2 BINDING ANTAGONISTS**

Serial No. 09/234,208

Filed on 20 January 1999

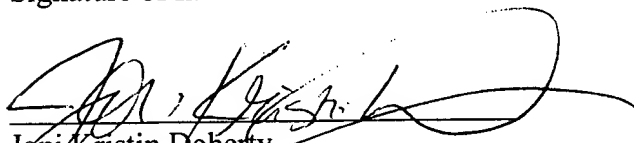
As the below-named joint inventors of the subject matter which is claimed in the patent application identified above, we hereby state in accordance with 37 CFR 1.324(b)(2) that we agree to the change of inventorship, adding **John P. Adelman** as a joint inventor to the patent application identified above, and furthermore state that the inventorship error of failing to include **John P. Adelman** as an inventor of the patent occurred without any deceptive intention on the part of the applicants.

Inventor: Joni Kristin Doherty  
Address: 1914 California Avenue  
Santa Monica, California 90403 USA  
Residence: Portland, Oregon USA  
Citizenship: United States


Inventor: Gail M. Clinton  
Address: 3040 SW Beaverton Avenue  
Portland, Oregon 97201 USA  
Residence: Portland, Oregon USA  
Citizenship: United States

Signature of Inventors:

Date signed:

  
Joni Kristin Doherty

1/12/00

  
Gail M. Clinton

1/11/00

**ASSIGNEE'S STATEMENT OF AGREEMENT TO CHANGE OF INVENTORSHIP**  
**[37 CFR 1.324(b)(3)]**

Title of Invention: **HER-2 BINDING ANTAGONISTS**

Serial No. 09/234,208

Filed on 20 January 1999

Docket No. 49321-1

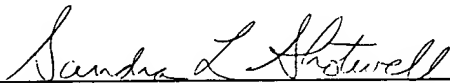


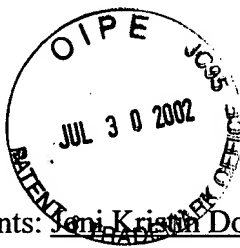
As the sole assignee of the parties submitting a statement under 37 CFR §§1.324(b)(1) and (b)(2) in support of the present PETITION TO CORRECT INVENTORSHIP IN PATENT, **OREGON HEALTH SCIENCES UNIVERSITY**, an institution for medical research under the laws of the State of Oregon, having administrative offices at 3181 SW Sam Jackson Park Road, Portland, Oregon 97201-3098 (hereinafter referred to as ASSIGNEE), hereby states in accordance with 37 CFR §1.324(b)(3) that we agree to the change of inventorship, adding **John P. Adelman** as a joint inventor of the subject matter which is claimed in the patent application identified above;

AND, WHEREAS, the sole ASSIGNEE seeks to take action in this matter before the Office, and is desirous of acquiring the entire right, title and interest in the invention described in the said application and Patent, ASSIGNEE, in compliance with 37 CFR §3.73(b), attaches hereto a STATEMENT UNDER 37 CFR 3.73(b) specifying (by reel and frame number) evidence of the chain of title from the original joint inventors, **Joni Kristin Doherty** and **Gail M. Clinton** to ASSIGNEE, along with documentary evidence of assignment from **John P. Adelman** who is being added as a joint inventor under the present PETITION.

ASSIGNEE: **OREGON HEALTH SCIENCES UNIVERSITY**  
3181 SW Sam Jackson Park Road  
Portland, Oregon 97201

Executed in Portland, Oregon, this 6<sup>th</sup> day of January, 2000.

  
\_\_\_\_\_  
Sandra L. Shotwell, PhD, Director  
Technology and Research Collaborations  
Oregon Health Sciences University



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicants: Joni Kristin Doherty and Gail M. Clinton

Application No.: 09/234,208

Filed: 20 January 1999

For: **HER-2 BINDING ANTAGONISTS**

**OREGON HEALTH SCIENCES UNIVERSITY, 3181 SW Sam Jackson Park Road,**

**Portland, Oregon 97201-3098, an**

(Name of Assignee)

**Institution for Medical Research under the laws of Oregon,**

(Type of Assignee)

certifies that it is the sole assignee to the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment of the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 9981, Frame 0083, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. **From:** **To:**  
The assignment was recorded in the Patent and Trademark Office at Reel\_\_\_\_, Frame\_\_\_\_, or for which a copy thereof is attached.

2. **From:** **To:**  
The assignment was recorded in the Patent and Trademark Office at Reel\_\_\_\_, Frame\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.


☐ Copies of assignments or other documents in the chain of title are attached hereto.

[**Note:** Separate copies (i.e., original or true copies of original) have been submitted to the Assignment Division in accordance with 37 CFR Part 3, for recordation in PTO records. See MPEP 302-302.8]

The undersigned have reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignees identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee identified above.

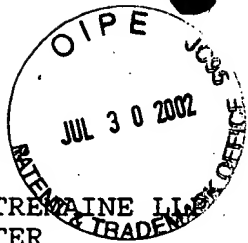
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

  
Sandra L. Shotwell, PhD, Director  
Technology and Research Collaborations  
Oregon Health Sciences University

Date: January 6, 2000

JULY 29, 1999

DAVIS WRIGHT TREMAINE LLP  
JEFFREY B. OSTER  
2600 CENTURY SQUARE  
1501 FOURTH AVENUE  
SEATTLE, WA 98101-1688



PTAS



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



\*101052410A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/28/1999

REEL/FRAME: 009981/0083  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DOHERTY, JONI KRISTIN

DOC DATE: 05/20/1999

ASSIGNOR:

CLINTON, GAIL M.

DOC DATE: 05/18/1999

ASSIGNEE:

OREGON HEALTH SCIENCE UNIVERSITY  
3181 SW SAM JACKSON PARK ROAD  
PORTLAND, OREGON 97201-3098

SERIAL NUMBER: 09234208  
PATENT NUMBER:

FILING DATE: 01/20/1999  
ISSUE DATE:

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS





06-02-1999

101052410  
PATENT IS ONLY

HEET

Assistant Commissioner for Patents  
Box Assignments  
Washington, D.C. 20231

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Attorney Docket No. 49321-1

To the Assistant Commissioner for Patents:

Please record the attached original documents or copy thereof.

1. A. Name of conveying party(ies):

Joni Kristin Doherty  
Gail M. Clinton

B. Additional conveying party(ies) name(s)  
attached?☐ Yes ☒ No

3. A. Nature of conveyance:

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

B. Execution Date: May 18 &amp; 20, 1999

2. A. Name and address of receiving  
party(ies):

Oregon Health Science University  
3181 SW Sam Jackson Park Road  
Portland, OR 97201-3098

B. Additional name(s) & address(es)  
attached?☐ Yes ☒ No4. A. If this document is being filed together with a new application, the execution date of the  
application is: \_\_\_\_\_ 1999

B. Patent Application No.(s)

D. Additional numbers attached? ☐ Yes ☒ No

C. Patent No.(s)

5. Name and address of party to whom  
correspondence concerning document should be  
mailed:Name: Jeffrey B. Oster

Address:

Davis Wright Tremaine LLP  
2600 Century Square  
1501 Fourth Avenue  
Seattle, WA 98101-1688

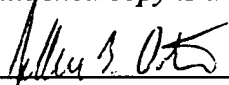
6. Total number of applications  
and patents involved: one (1).

7. Total fee (37 CFR 3.41).....\$40.00

8. Charge the above fee and credit any  
overpayment or charge any  
underpayment to deposit account  
number 04-0258.

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any  
attached copy is a true copy of the original document.*

Date: May 24, 1999  
Jeffrey B. Oster

Registration No. 32,585

Total number of pages including cover sheet, attachments, and document: 2

06/01/1999 DNGUYEN 00000299 09234208

01 FC:581

40.00 DP

\\SEA\_ABBOTT\DOCS\DOCS\49321\1\AssignCvr.doc  
Seattle

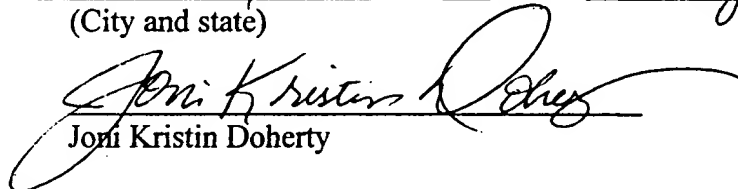
ASSIGNMENT

WHEREAS, we, Joni Kristin Doherty, residing at 3928 SE Ogden Street, Portland, Oregon 97202 and Gayle M. Clinton, residing at 3040 SW Beaverton Avenue, Portland, Oregon 97201, are the inventors named in an application for Letters Patent of the United States entitled **HER-2 BINDING ANTAGONISTS**, said application filed on January 20, 1999 and assigned application serial No. 09/234,208;

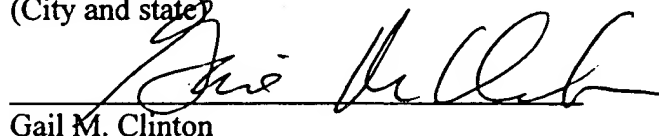
AND, WHEREAS, Oregon Health Science University, a corporation of the State of Oregon, having administrative offices at 3181 SW Sam Jackson Park Road, Portland, Oregon (hereinafter referred to as ASSIGNEE) is desirous of acquiring the entire right, title and interest in the invention described in the said application;

NOW, THEREFORE, for sufficient, good and valuable consideration, the receipt of which is hereby acknowledged, we do hereby sell, assign, and transfer unto said ASSIGNEE, our entire right, title to and interest in said application and said inventions and all applications and patent on said invention(s) to be held and enjoyed by ASSIGNEE as entirely as the same would have been held and enjoyed by us had this sale, assignment, and transfer not been made, and we do hereby further agree and promise to execute all instruments and render all such assistance as ASSIGNEE may request in order to make and prosecute any and all applications on said invention(s), to enforce any and all patents on said invention(s), and to confirm in ASSIGNEE legal title to said invention(s) and all applications and patents on said invention(s), all without charge to ASSIGNEE but at no expense to us.

Executed in Portland, OR, this 20 day of May, 1999.  
(City and state)

  
Joni Kristin Doherty

Executed in Portland, OR, this 18<sup>th</sup> day of May, 1999.  
(City and state)

  
Gail M. Clinton

JUNE 21, 2000

DAVIS WRIGHT TREMA RYDAELP  
JEFFREY B. OSTER  
1501 FOURTH AVENUE  
2600 CENTURY SQUARE  
SEATTLE, WA 98101-1688



PTAS



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



\*101334132A\*

**UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/03/2000

REEL/FRAME: 010717/0405  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

**ASSIGNOR:**

ADELMAN, JOHN P.

DOC DATE: 01/06/2000

**ASSIGNEE:**

OREGON HEALTH SCIENCES UNIVERSITY  
3181 SW SAM JACKSON PARK ROAD  
PORTLAND, OREGON 97201

SERIAL NUMBER: 09234208  
PATENT NUMBER:

FILING DATE: 01/20/1999  
ISSUE DATE:

DIANE RUSSELE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



04-26-2000



101334132

**CORRECTED**

Assistant Commissioner for Patents  
Box Assignments  
Washington, D.C. 20231

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Attorney Docket No. 49321-1

To the Assistant Commissioner for Patents:  
Please record the attached original documents or copy thereof.

1. A. Name of conveying party(ies):

John P. Adelman

4.3.00

B. Additional conveying party(ies) name(s)  
attached?☐ Yes ☒ No

3. A. Nature of conveyance:

☒ Assignment ☐ Merger☐ Security Agreement ☐ Change of Name☐ Other \_\_\_\_\_

B. Execution Date: 1/6/00

2. A. Name and address of receiving  
party(ies):

Oregon Health Sciences University  
3181 SW Sam Jackson Park Road  
Portland, OR 97201

B. Additional name(s) & address(es)  
attached?☐ Yes ☒ No4. A. If this document is being filed together with a new application, the execution date of the  
application is:

B. Patent Application No. 09/234,208

D. Additional numbers attached? ☐ Yes ☒ No

C. Patent No.(s)

5. Name and address of party to whom  
correspondence concerning document should be  
mailed:

Name: Jeffrey B. Oster

Address:

Davis Wright Tremaine LLP  
2600 Century Square  
1501 Fourth Avenue  
Seattle, WA 98101-1688

6. Total number of applications  
and patents involved: one (1).

7. Total fee (37 CFR 3.41).....\$40.00

8. Charge the above fee and credit any  
overpayment or charge any  
underpayment to deposit account  
number 04-0258.

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any  
attached copy is a true copy of the original document.*

Date: March 27, 2000

Jeffrey B. Oster

Registration No. 32,585

Total number of pages including cover sheet, attachments, and document: 2

2/94

## ASSIGNMENT

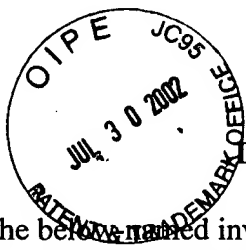
WHEREAS, I, **John P. Adelman**, residing at 9419 SW Corbett Lane, Portland, Oregon 97219, am an inventor named in an application for Letters Patent of the United States entitled **HER-2 BINDING ANTAGONISTS**, said application filed on January 20, 1999 and assigned application serial No. 09/234,208;

AND, WHEREAS, **Oregon Health Sciences University**, a corporation of the State of Oregon, having administrative offices at 3181 SW Sam Jackson Park Road, Portland, Oregon 97201 (hereinafter referred to as ASSIGNEE) is desirous of acquiring the entire right, title and interest in the invention described in the said application;

NOW, THEREFORE, for sufficient, good and valuable consideration, the receipt of which is hereby acknowledged, I do hereby sell, assign, and transfer unto said ASSIGNEE, my entire right, title to and interest in said application and said inventions and all applications and patent on said invention(s) to be held and enjoyed by ASSIGNEE as entirely as the same would have been held and enjoyed by me had this sale, assignment, and transfer not been made, and I do hereby further agree and promise to execute all instruments and render all such assistance as ASSIGNEE may request in order to make and prosecute any and all applications on said invention(s), to enforce any and all patents on said invention(s), and to confirm in ASSIGNEE legal title to said invention(s) and all applications and patents on said invention(s), all without charge to ASSIGNEE but at no expense to me.

Executed in Portland, Oregon, this 6<sup>th</sup> day of Jan, 2000.

  
John P. Adelman



## DECLARATION AND POWER OF ATTORNEY

As the below-named inventor, I declare that I am an original, first, and joint inventor of the subject matter which is claimed in the specification identified below and for which a patent is sought on the invention as titled therein. I hereby state that I have reviewed the contents of said specification, including the claims. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56.

Inventor: John P. Adelman  
Address: 2433 SW Mitchell Street  
Portland, Oregon 97201  
Residence: Portland, Oregon, USA  
Citizenship: USA

Title of Invention: **HER-2 BINDING ANTAGONISTS**

Serial No.: 09/234,208, filed on January 20, 1999

(X) There are no earlier-filed United States Patent Applications of which priority benefit is claimed.

( ) We hereby claim the benefit under 35 U.S.C. §120 of the United States Patent Application listed below, and, insofar as the subject matter of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. §112, we acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the filing date of this application:

USSN:	Filed:	Status:

## POWER OF ATTORNEY

The power to prosecute this application and transact all business in the Patent and Trademark Office connected herewith is hereby granted to the following attorneys:

Jeffrey B. Oster, Registration No. 32,585  
Todd M. Becker, Registration No. 43,487

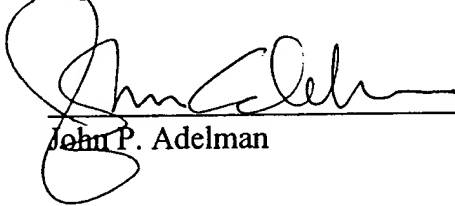
Please send all correspondence to:

Jeffrey B. Oster  
Davis Wright Tremaine  
2600 Century Square  
1501 Fourth Avenue  
Seattle, Washington 98101-1688

Telephone: (206) 628-7711  
Facsimile: (206) 628-7699

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor:

  
John P. Adelman

Date signed:

